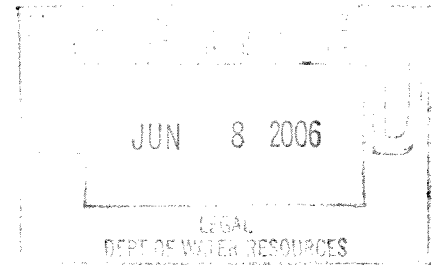


315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

John T. Hestand (SBA #005087)
P.O. Box 5090
CHANDLER, ARIZONA 85266

and

Jennifer Giff (SBA # 018366)
315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247



Attorneys for the Gila River Indian Community

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN
THE GILA RIVER SYSTEM AND
SOURCE.

No. W-1 (Salt)
No. W-2 (Verde)
No. W-3 (Upper Gila)
No. W-4 (San Pedro)

CONTESTED CASE NO.W1-207

**APPLICATION FOR AN ORDER
FOR SPECIAL PROCEEDINGS
TO APPROVE AN INDIAN
WATER RIGHTS SETTLEMENT
STIPULATION**

DESCRIPTIVE SUMMARY: In accordance with the Special Procedural Order issued by the Supreme Court of Arizona on May 16, 1991 ("Special Procedural Order"), this is an application for an order for special proceedings to approve a Stipulation dated May 23, 2006 to which the undersigned are parties and the proposed Final Judgment and Decree attached as Exhibit 3 to the Stipulation ("Proposed Judgment"), that settle the federally reserved and other water rights of the Gila

1 River Indian Community ("Community"), its Members and Allottees and of the United States acting
2 on behalf of the Community, Members and Allottees.
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STATEMENT OF CLAIMANT NUMBERS:

SRP: 39-07-1040, 1041, 1998, 1206, 1207; 39-05-50053, -50054, -50055; 39-68-35213 and -35212. 39-07-11951 (GR Dam well), -11952 (PERA Saguaro Lake well), -11953 (Agua Fria), -11954 (Kyrene), and -11955 (Santan), 39-L8-35216 (Santan), -35217 (Kyrene), and -35218 (Agua Fria), RWCD: 39-31367, -31380, -31382, -48943, -31370, -31381, -48492. USA for the Community: Filings state "United States" on behalf of the Gila River Pima-Maricopa Indian Community and allotted lands within the Gila River Indian Reservation ("Reservation") 39-35092. Community: on behalf of the Community, Members and Allottees 39-11-5478, 39-05-41142, 39-07-12652, 39-U8-60083, 39-L8-36340, and 39-L8-37360. Gilbert: 39-L8-35405. Tempe: 39-L8-37600, -37601, -37602, -37603, -37604, -37605, -37606, -37607, -37608 and 39-07-07929. Mesa: 39-L8-37263, 37640, 39-07-7828. Buckeye Irrigation Company and Buckeye Water Conservation and Drainage District: 39-00982, 39-33885, 39-36641, 39-36747, and 39-894 . San Carlos Irrigation and Drainage District: U8-63606, L8-34858 and 11-06521. Chandler: 39-L8-37521, 39-07-07930. Glendale: 39-L8-37614 through -37622, 0707925. Mesa: 39-L8-37623 through -37640; 39-07-7828. Scottsdale: 39-L8-37520. Phelps Dodge: 39-61043, 39-62301, 39-62726 through 39-62755, 39-62756 through 39-62768, 39-62934 through 39-62965, 39-62967 through 39-62970, 39-62972, 39-63164 through 39-63167, 39-63641, 39-64331 through 39-64336, 39-64338, 39-64362, 39-64797, 39-68952, 39-68635, 39-69098 through 39-69102, 39-28907, and various other Statements of Claimant. Roosevelt Irrigation District: 39L828440 & 39L828441 (Lower Gila), 390703110 (Upper Salt). Arizona Water Co.: 39-634, 39-635, 39-1250 through 39-1256, 39-1924, 39-4580 through 39-4590, 39-11924 through 39-11927, 39-13977 through 39-13978, 39-31385 through 39-31401, 39-34609 through 39-34610, 39-34618 through 39-34619, 39-38910, 39-38947, 39-42030, 39-46778 through 39-46785, 39-49731, 39-54374, 39-62059, 39-75852 and 39-79218. Casa Grande: 39-25267, 39-25268, 39-25269, 39-36195, 39-36196, 39-36197, 39-36198. Coolidge: 39-25052 and 39-25053. Goodyear: 39-37573, 39-38145, 39-31858, and all other Goodyear water rights filed under 39-35742 and 39-30919. Peoria: 39-11390, 39-11391, 39-29175, 39-37574 through 39-37578. Phoenix: 39-07-7927; 39-05-50153 through 39-05-50155, and 39-L8-37666 through 39-L8-37691. Safford: 39-63161 through 39-63163 and 39-69147 through 39-69148. Florence: 39-30825. Mammoth: 39-14750 through 39-14755. Kearny: 39-61577 and 39-68266.. MSIDD: 39-L8-35197, 39-L8-27459 and 39-L8-26285. CAIDD: 39-(L8)-130118. Franklin Irrigation District: 3963174-63186. Gila Valley Irrigation District: 39-U862840-62850. CAWCD: 39-L8-30989 through 39-L8-30992. AZ Game & Fish Comm.: 39-04869 through 39-04875, 39-6661, 39-66995, 39-66997 through 39-66999, 39-670001, 39-67009 through 39-67012, and 39-68384. Hohokam Irrigation and Drainage District: 39-35396.

DATE OF FILING OF DOCUMENT: May 23, 2006

NUMBER OF PAGES OF DOCUMENT: 6 (excluding attachments)

1. The applicants are the United States of America on behalf of the Gila River Indian Community, its Members and Allottees; the Gila River Indian Community on behalf of itself and its Members; the Salt River Project Agricultural Improvement and Power District; the Salt River Valley

1 Water Users' Association; the Roosevelt Irrigation District; the Roosevelt Water Conservation
2 District; Arizona Water Company; the Arizona cities of Casa Grande, Chandler, Coolidge, Glendale,
3 Goodyear, Mesa, Peoria, Phoenix, Safford, Scottsdale, and Tempe; the Arizona towns of Florence,
4 Mammoth, Kearny, Duncan and Gilbert; the Maricopa-Stanfield Irrigation & Drainage District; the
5 Central Arizona Irrigation and Drainage District; Franklin Irrigation District; Gila Valley Irrigation
6 District, the San Carlos Irrigation and Drainage District; the Hohokam Irrigation and Drainage
7 District; the Buckeye Irrigation Company; the Buckeye Water Conservation and Drainage District;
8 Central Arizona Water Conservation District; Phelps Dodge Corporation; and the Arizona Game and
9 Fish Commission.

10 2. In accordance with the Special Procedural Order, the applicants seek proceedings to
11 obtain a final judgment ("Proposed Judgment") approving a Stipulation dated May 23, 2006, which
12 Stipulation and Proposed Judgment set forth the principal terms of the Amended and Restated Gila
13 River Indian Community Water Rights Settlement Agreement dated October 21, 2005 ("Settlement
14 Agreement"). The applicants are parties to the Stipulation and to the Settlement Agreement. The
15 Stipulation and Settlement Agreement were entered into in good faith. The Stipulation is attached as
16 Exhibit A to this Application. The Settlement Agreement and Proposed Judgment are attached as
17 Exhibits 1 and 3 to the Stipulation. Also attached is Amendment No. 1 to the Settlement Agreement,
18 which has been executed by certain of the applicants. Execution by the remaining applicants is
19 pending.

20 3. Copies of the Agreement, Stipulation and Proposed Judgment will be mailed to and
21 available for inspection in the offices of the Clerks of Superior Court in every Arizona County and of
22 the Arizona Department of Water Resources promptly upon issuance of the Order for Special
23 Proceedings.

24 4. The water rights that are quantified in the Agreement and described in the Stipulation
25 and Proposed Judgment are Indian water rights which are the subject of statement of claimant
26 numbers 39-35092 by the United States on behalf of the Gila River Pima-Maricopa Indian
27 Community and allotted lands within the Reservation, and claimant numbers 39-11-5478, 39-05-

1 41142, 39-07-12652, 39-U8-60083, 39-L8-36340, and 39-L8-37360 by the Gila River Indian
2 Community on behalf of itself, Members and Allottees in this action. The claims of the United States
3 on behalf of the Gila River Pima-Maricopa Indian Community and allotted lands within the
4 Reservation and of the Gila River Indian Community on behalf of itself, its Members and Allottees,
5 are within the jurisdiction of the Court under the principles of Arizona v. San Carlos Apache Tribe of
6 Arizona, 463 U.S. 545 (1983) and United States v. Superior Court et al., 144 Ariz. 265, 697 P.2d 658
7 (1985).

8 5. All parties to the Agreement, other than the United States and the Gila River Indian
9 Community, are claimants in this adjudication proceeding (the “Gila River Adjudication”) whose
10 claims are adverse to claimant numbers 39-35092 by the United States on behalf of the Gila River
11 Pima Maricopa Indian Community and allotted lands within the Reservation and claimant numbers
12 39-11-5478, 39-05-41142, 39-07-12652, 39-U8-60083, 39-L8-36340, and 39-L8-37360 by the Gila
13 River Indian Community, on behalf of itself, its Members and Allottees.

14 6. The Agreement has been confirmed by the Gila River Indian Community Water Rights
15 Settlement Act of 2004, Public Law 108-451 (“Settlement Act” or “Act”).

16 7. Special circumstances prevent the consideration of the Stipulation and the Proposed
17 Judgment in the normal course of the Gila River Adjudication. Section 215 of the Settlement Act
18 provides that the Settlement Act and any action taken by the Secretary and any contract entered under
19 any provision of the Act shall be void unless the Proposed Judgment is approved in this proceeding
20 on or before December 31, 2007.

21 8. The Settlement Agreement settles the claims for “Water Rights,” as that term is
22 defined by the Settlement Agreement, of the Gila River Indian Community, its Members and
23 Allottees, and of the United States acting on behalf of the Gila River Indian Community, its Members
24 and Allottees.

25 9. The Water Rights of the Gila River Indian Community, its Members and Allottees, and
26 the United States acting on behalf of the Gila River Indian Community, its Members and Allottees,
27 which are settled by the Settlement Agreement and described in the Stipulation and Proposed

1 Judgment, are no more extensive than the Gila River Indian Community, acting on behalf of itself, its
2 Members and Allottees, and the United States acting on behalf of Gila River Pima-Maricopa Indian
3 Community, would have been able to prove at the trial.

4 10. A proposed form of order directing that special proceedings be conducted to approve
5 the Stipulation and the Proposed Judgment adjudicating the Water Rights of the Gila River Indian
6 Community, its Members and Allottees, and of the United States acting on behalf of the Gila River
7 Indian Community, its Members and Allottees, is attached as Exhibit B to this Application.

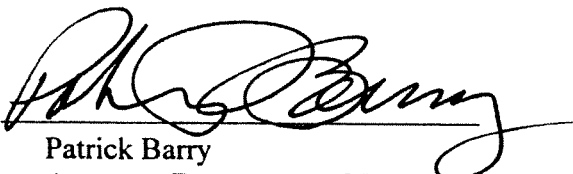
8 WHEREFORE, the applicants pray that the Court enter an Order for Special Proceedings for
9 the approval of the Stipulation and the Proposed Judgment, that is binding upon all parties to these
10 proceedings.

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12 DATED this 23th day of May, 2006.
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315 W. Casa Blanca Road
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Sacaton, Arizona 85247.

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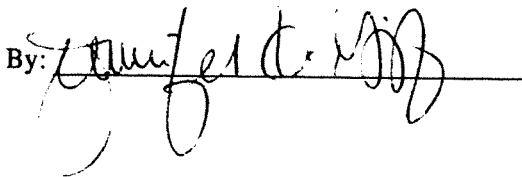
THE UNITED STATES OF AMERICA

By: 
Patrick Barry
Attorney, Department of Justice
Environment & Natural Resources Division
Indian Resources Section
P. O. Box 44378
Washington, D.C. 20026-4378
(202) 305-0254

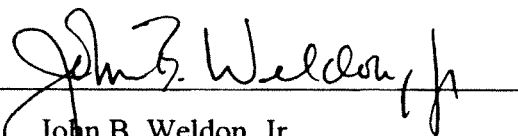
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Sacaton, Arizona 85247.

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GILA RIVER INDIAN COMMUNITY

By: 

SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT

By: 

John B. Weldon, Jr.

Lisa M. McKnight

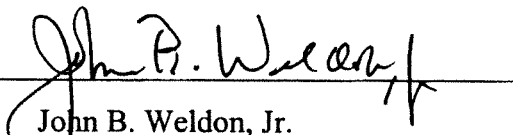
Salmon, Lewis & Weldon, P.L.C.

2850 East Camelback Road, Ste. 200

Phoenix, Arizona 85016

Attorneys for Salt River Project Agricultural
Improvement and Power District and
Salt River Valley Water Users' Association

SALT RIVER VALLEY WATER
USERS' ASSOCIATION

By: 

John B. Weldon, Jr.

Lisa M. McKnight

Salmon, Lewis & Weldon, P.L.C.

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Attorneys for Salt River Project Agricultural
Improvement and Power District and
Salt River Valley Water Users' Association

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ROOSEVELT IRRIGATION DISTRICT

By: *Daryl W. Hankart*

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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ROOSEVELT WATER CONSERVATION DISTRICT

By: *A. M. Handman*

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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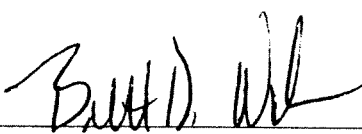
ARIZONA WATER COMPANY

By: Robert W. Stake
V.P. and General Counsel

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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CITY OF CASA GRANDE

By: 

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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CITY OF CHANDLER

By: Michael D. Hane
City Attorney

1 CITY OF COOLIDGE

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By:

J. M. Ytiggil

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315 W. Casa Blanca Road
P.O. Box 97
Section, Arizona 85747.

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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CITY OF GLENDALE

By: James M. Flemer

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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CITY OF GOODYEAR

By: Elizabeth J. Surina for
CITY ATTORNEY

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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CITY OF MESA

By: Mary Wade
ASSISTANT CITY ATTORNEY

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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CITY OF PEORIA

By: Stephen J. Bung

315 W. Casa Blanca Road
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Sacaton, Arizona 85247.

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CITY OF PHOENIX

By: James Callahan

1 CITY OF SAFFORD
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4 By: Lee A Storey


5 Lee A. Storey
6 Moyes Storey, Ltd.
7 1850 N. Central Ave., Suite 1100
8 Phoenix, Arizona 85004
9 Attorneys for City of Safford
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Sacaton, Arizona 85247.

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CITY OF SCOTTSDALE

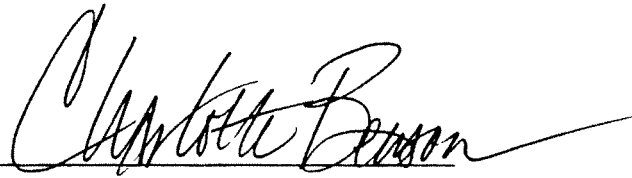
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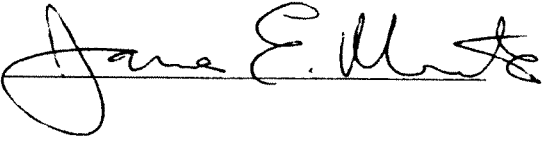
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315 W. Casa Blanca Road
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Sacaton, Arizona 85247.

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TOWN OF FLORENCE

By:

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315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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TOWN OF MAMMOTH

By: Stephen R. Cooper

315 W. Casa Blanca Road
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Sacaton, Arizona 85247.

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TOWN OF KEARNY

By: Stephen R. Cooper

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

1 TOWN OF DUNCAN

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TOWN OF GILBERT

By  _____

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

1 MARICOPA-STANFIELD
2 IRRIGATION & DRAINAGE DISTRICT
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5 By: Paul R. Inne
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315 W. Casa Blanca Road
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Sacaton, Arizona 85247.

1 CENTRAL ARIZONA IRRIGATION
2 AND DRAINAGE DISTRICT
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By: Paul R. Orme

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

1 FRANKLIN IRRIGATION DISTRICT

2
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4 By:  *

L. Anthony Fines
for Michael J. Brown and David A. Brown,
Brown & Brown, P.C.
Attorneys for the Franklin Irrigation District

7 * Subject to: Amendment No. 1 to the Amended and Restated Gila River Indian Community Water
8 Rights Settlement Agreement, and the Amended and Restated Forbearance Agreement Among the
9 Gila River Indian Community, the United States of America, the San Carlos Irrigation and Drainage
10 District, the Franklin Irrigation District, the Gila Valley Irrigation District, and Other Parties Located
11 in the Upper Valley of the Gila River.

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1 SAN CARLOS IRRIGATION
2 AND DRAINAGE DISTRICT

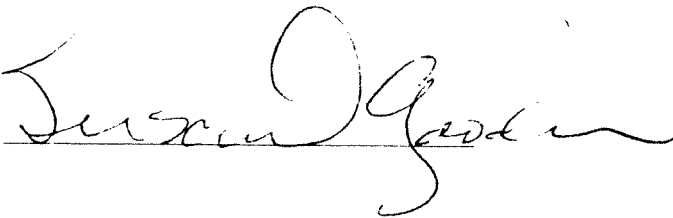
3
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5 By 

6 Riney B. Salmon, II
7 Attorney for San Carlos
8 Irrigation and Drainage Dist.
9 Salmon, Lewis & Weldon, P.L.C.
10 2850 E. Camelback Rd., #200
11 Phoenix, AZ 85016
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315 W. Casa Blanca Road
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HOHOKAM IRRIGATION AND
DRAINAGE DISTRICT

By: 

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

1 BUCKEYE IRRIGATION COMPANY

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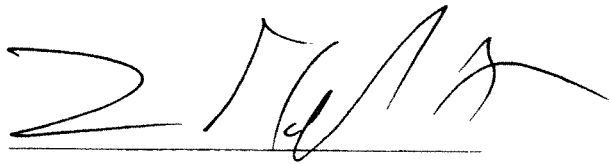
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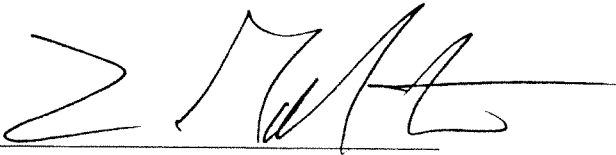
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315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

1 BUCKEYE WATER CONSERVATION
2 AND DRAINAGE DISTRICT
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315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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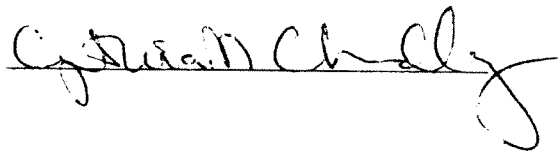
CENTRAL ARIZONA WATER CONSERVATION DISTRICT

By: Douglas R. Miller

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

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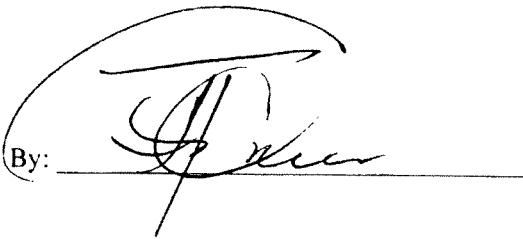
PHELPS DODGE CORPORATION

By: 

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

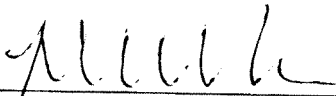
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ARIZONA GAME AND FISH COMMISSION

By: 

315 W. Casa Blanca Road
P.O. Box 97
Sacaton, Arizona 85247.

1 GILA VALLEY IRRIGATION DISTRICT

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4 By:  *
5 L. Anthony Fines
6 Law Office of L. Anthony Fines, P.C.
Attorney for the Gila Valley Irrigation District

7 * Subject to: Amendment No. 1 to the Amended and Restated Gila River Indian Community Water
8 Rights Settlement Agreement, and the Amended and Restated Forbearance Agreement Among the
9 Gila River Indian Community, the United States of America, the San Carlos Irrigation and Drainage
District, the Franklin Irrigation District, the Gila Valley Irrigation District, and Other Parties Located
in the Upper Valley of the Gila River.